

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY Whe D.C.

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TENN. MEMPHIS

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

NO.: 05-2382 B/An

NATIONAL BANK OF COMMERCE, )

Defendant. )

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ORDER CONTINUING HEARING

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Before the Court is the Defendant and Third-Party Plaintiff National Bank of Commerce's Motion for the Magistrate Judge to Recommend Entry of Default Judgment as to Liability Only and the Recommend Continuance of Hearing on Issue of Damages. For the following reasons, the Motion is **GRANTED** in part.

On September 1, 2005, United States District Judge J. Daniel Breen referred Defendant's Motion for Default Judgment for a hearing on damages and for a report and recommendation to enable that court to enter a default judgment to the United States Magistrate Judge. The United States Magistrate Judge subsequently issued an order setting the matter for a hearing on October 13, 2005 at 10:30 A.M. The Defendant/Third Party Plaintiff then filed the present motion asking the Court to continue this hearing and to make a recommendation to the United States's District Judge that default judgment be entered in favor of Defendant/Third Party Plaintiff against the

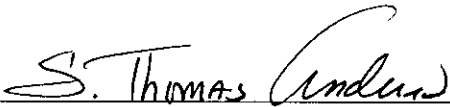
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Third Party Defendants on the issue of liability only.

Therefore, the Court hereby continues the hearing at which time the Court will consider Defendant/Third Party Plaintiff's Motion for entry of Default Judgment and the Court will decide if the issue of damages is ripe for determination or should be held in abeyance until such time as the Defendant/Third Party Plaintiff's liability, if any, to the Plaintiff is determined. The hearing is reset for **Wednesday, October 19, 2005 at 10:00 A.M.** in Courtroom M-3, 9th Floor, United States Courthouse and Federal Building, 167 North Main, Memphis, Tennessee.

**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Dated: October 05, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 34 in case 2:05-CV-02382 was distributed by fax, mail, or direct printing on October 6, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT